

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MONROE JEROME BLACKMON,

Defendant-Appellant.

UNPUBLISHED

April 15, 2004

No. 244061

Wayne Circuit Court

LC No. 01-009452-01

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

PER CURIAM.

Defendant appeals as of right from his convictions of carrying a concealed weapon, MCL 750.227, felon in possession of a firearm, MCL 750.224f, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced as an habitual offender, fourth offense, MCL 769.12, to prison terms of one to five years on the concealed weapons and felon in possession convictions, which sentences were suspended, and to the mandatory two-year term for felony-firearm. We affirm.

Defendant's sole claim on appeal is that the trial court erred in denying his motion to suppress evidence. We note that defendant did not move to suppress the evidence but rather moved to dismiss the charges at the close of the prosecutor's proofs. Moreover, defendant never sought an evidentiary hearing on the issue and thus the record is limited.

An investigatory stop, which is limited to brief, nonintrusive detention, constitutes a Fourth Amendment seizure. *People v Bloxson*, 205 Mich App 236, 241 (Holbrook, Jr., PJ), 249 (Fitzgerald, J., concurring); 517 NW2d 563 (1994). A police officer may briefly stop and detain a person to investigate possible criminal activity if he has a reasonable suspicion based on specific and articulable facts that the person detained has committed or is committing a crime. *People v Shankle*, 227 Mich App 690, 693; 577 NW2d 471 (1998). An officer's reasonable suspicion may be based on information obtained from another officer. *People v Chambers*, 195 Mich App 118, 122; 489 NW2d 168 (1992).

Based on the hand signal received from Officer Bell, Officers Becker and Cooper had a right to stop the vehicle and investigate the occupants for suspicion of soliciting a person to commit prostitution, MCL 750.448, or offering to engage the services of a woman for prostitution, MCL 750.449a. Although Bell had been solicited by the driver of the vehicle, the other officers were not in radio contact with her and apparently knew only that an offer had been

made, but not who made it. Therefore, both defendant and the driver were subject to detention for investigation.

The trial court found that no search had occurred. That finding was not clearly erroneous because it was supported by Cooper's testimony that he saw the gun protruding from defendant's back pocket when he asked him to turn and place his hands on the vehicle. *People v Marcus Davis*, 250 Mich App 357, 362; 649 NW2d 94 (2002). During an investigatory stop, the police may secure a person and such restraint does not constitute an arrest and is not an unreasonable seizure under the Fourth Amendment. *People v James Norbert Green*, __ Mich App __; __ NW2d __ (Docket No. 241615, issued 1/22/04), slip op at 2. It was during the attempt to secure defendant that Cooper observed the gun protruding from defendant's pocket. Because Cooper was in a place he had a right to be and engaged in lawful conduct, he could seize the weapon, which until then had been partially concealed on defendant's person, under the plain-view exception to the warrant requirement. *People v Champion*, 452 Mich 92, 101; 549 NW2d 849 (1996).

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski